

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MINDEN PICTURES, INC.,	:	
	:	
Plaintiff,	:	20 Civ. 2116 (LGS)
	:	
-against-	:	
	:	
GIZMODO MEDIA GROUP LLC,	:	<u>ORDER</u>
	:	
Defendant.	:	

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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on October 5, 2020, the Court issued an Order denying Defendant’s motion to stay pending resolution of Defendant’s motion to dismiss and denying Defendant’s request that the Court order Plaintiff to post a security bond. Dkt. No. 49.

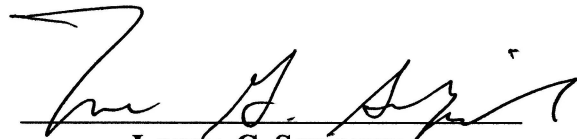
WHEREAS, on October 12, 2020, Defendant filed a request for reconsideration of the Court’s decision to deny a stay of discovery pending resolution of Defendant’s motion to dismiss. Dkt. No. 52.

WHEREAS, “[a] motion for reconsideration should be granted only when the [party seeking reconsideration] identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.” *Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Tr.*, 729 F.3d 99, 104 (2d Cir. 2013) (internal quotation marks omitted). The standard “is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked.” *Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) (internal quotation marks omitted). A motion for reconsideration is “not a vehicle for relitigating old

issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple.” *Id.* (internal quotation marks omitted). The decision to grant or deny a motion for reconsideration rests within “the sound discretion of the district court.” *See Aczel v. Labonia*, 584 F.3d 52, 61 (2d Cir. 2009) (internal quotation marks omitted); *accord Strougo v. Barclays PLC*, 334 F. Supp. 3d 591, 595 (S.D.N.Y. 2018). It is hereby

ORDERED that, Defendant’s motion for reconsideration is DENIED. Defendant has not identified “an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.” *Kolel Beth Yechiel Mechil of Tartikov*, 729 F.3d at 104.

Dated: October 19, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE